

**REMARKS**

Claims 1-14, 16-26, 28-39, 58, and 59 are pending in the subject application.

Applicants have amended claims 1-14, 16-26, 28-39, 58, and 59, and have canceled claims 15 and 27 (claims 40-57, 60, and 61 were canceled in an earlier paper). As will be explained in more detail below, these changes do not introduce any new matter.

Applicants have amended the pending claims to change, among other things, the phrase “graphics data generating device” to “image pick-up device or image capturing device” and to change the phrase “generation condition” to “imaging condition.” Upon reading Applicants’ specification, those skilled in the art would readily understand that the phrase “image pick-up device or image capturing device” refers to devices that either pick up or capture images such as, for example, digital still cameras (DSCs), scanners, and digital video cameras. Further, those skilled in the art would readily understand that the phrase “imaging condition” refers to the conditions under which the image was generated. As such, the changes to the pending claims made herein do not introduce any new matter.

Applicants appreciate the Examiner’s prompt allowance of claims 6-10 and 32-35. Applicants’ responses to the prior art rejections set forth in the Office Action are set forth below.

Applicants respectfully request reconsideration of the rejection of claims 1-4, 11-14, 16-18, 24-26, 28-30, 36-38, 58, and 59 under 35 U.S.C. § 102(e) as being anticipated by *Nakatsuka* (U.S. Patent No. US 6,229,625 B1). As will be explained in more detail below, the *Nakatsuka* reference does not disclose each and every feature of independent claims 1, 11, 16, 24, 28, 36, 58, and 59, as amended herein.

Considering first independent claim 1, Applicants have amended this claim to distinguish the claimed subject matter from the subject matter shown in the *Nakatsuka* reference. In particular, Applicants have amended claim 1 to define an image pick-up device

or an image capturing device, e.g., a digital still camera (DSC), a scanner, or a digital video camera. In formulating the anticipation rejection, it appears to Applicants that the Examiner is characterizing the image processing apparatus shown by *Nakatsuka* as also including an image input device when the image processing apparatus is considered to be an integral system that is equipped with an input unit. Applicants respectfully submit that the changes made to claim 1 distinguish the claimed subject matter from the “system” shown in the *Nakatsuka* reference.

In the Examiner’s response to Applicants’ arguments, the Examiner states, “[i]n col. 6, lines 4-40, Nakatsuka teaches that the image processing apparatus executes the software to realize (another word for “acquire”) the signals for controlling the components contained therein.” Office Action at page 3. Applicants respectfully traverse the Examiner’s characterization of the *Nakatsuka* reference relative to the claimed subject matter. The *Nakatsuka* reference does not allow keywords such as a finishing keyword to be set with the image reading device 10, and the user needs to use the image processing apparatus to input the finishing keyword and a subject keyword.

The image pick-up device or image capturing device specified in the present claim 1 acquires a plurality of image processing control parameters based on an imaging condition that is generally set in the device, and relates image data to the plurality of image processing control parameters. As a result, the user does not have to input an image processing condition in the subsequent step. In other words, because the device acquires a plurality of image processing control parameters based on an imaging condition that is usually set when imaging, the user does not have to consider an image processing condition to obtain an output image that reflects the imaging condition. This imaging condition setting enables a user who is not familiar with image processing to set a desirable image processing condition.

The *Nakatsuka* reference does not disclose the foregoing feature of the claimed subject matter because the disclosed system requires the user to input a finishing keyword and subject keyword with the image processing apparatus. Thus, for at least this reason, the *Nakatsuka* reference does not disclose each and every feature specified in the present claim 1.

Considering next independent claim 11, the Examiner states in the Office Action that “method claim 11 is analyzed and rejected as previously discussed with respect to claim 1.” Office Action at page 6. The method for generating image data defined in the present claim 11 includes, among other operations, the operations of generating image data, designating an imaging condition when the image data is generated, acquiring image processing control parameters for the designated imaging condition, and relating the generated image data to the acquired image processing control parameters. For at least the same reasons discussed above in connection with claim 1, the *Nakatsuka* reference does not disclose each and every feature of the method defined in claim 11.

Shifting to independent claim 16, the Examiner alleges that the *Nakatsuka* reference discloses a graphics data generating device that includes an imaging device, a selection mechanism, and a processor as specified in this claim. Applicants’ remarks set forth above in connection with claim 1 apply equally to the present claim 16. Further, regarding the processor, there is no disclosure in the *Nakatsuka* reference concerning the generation of an image processing control parameter set based on the imaging condition. Thus, for at least this reason, the *Nakatsuka* reference does not disclose a processor as specified in claim 16.

Turning to independent claim 24, the Examiner states in the Office Action that “method claim 24 is analyzed and rejected as previously discussed with respect to claim 16.” Office Action at page 7. The method for generating image data defined in the present claim 24 includes the operations of generating image data, designating an imaging condition when the image data is generated, generating an image processing control parameter set based on

the imaging condition, relating the image data to the image processing control parameter set, and outputting the related image data. For at least the same reasons discussed above in connection with claim 16, the *Nakatsuka* reference does not disclose each and every feature of the method defined in the present claim 24.

Addressing now independent claim 28, this claim, as amended herein, defines an image pick-up device or image capturing device that is similar to claim 1, but differs in that 1) the memory is configured to store a plurality of sets of image processing control information, with the image processing control information specifying an image processing control parameter set to be used for image processing of the image data under the imaging condition, 2) the acquisition mechanism is configured to acquire the image processing control information for the designated imaging condition, and 3) the data output mechanism is configured to relate the generated image data to the acquired image processing control information. The *Nakatsuka* reference does not disclose each and every feature of claim 28 for at least the same reasons set forth above regarding claim 1.

Shifting to independent claim 36, the Examiner states in the Office Action that “method claim 36 is analyzed and rejected as previously discussed with respect to claim 28.” Office Action at page 9. The method for generating image data specified in the present claim 36 is similar to the method defined in claim 11, but differs for the reasons set forth above in connection with the discussion of claim 28. The *Nakatsuka* reference does not disclose each and every feature of the method defined in the present claim 36 for at least the same reasons set forth above regarding claims 1 and 11.

Turning to independent claim 58, this claim defines a computer-executable program for generating image data that implements functions similar to the method operations specified in method claim 11. The *Nakatsuka* reference does not disclose each and every

feature of the computer-executable program defined in the present claim 58 for at least the same reasons set forth above regarding claims 1 and 11.

Finally, with regard to independent claim 59, this claim defines a computer-executable program for generating image data that implements functions similar to the method operations specified in method claim 36. The *Nakatsuka* reference does not disclose each and every feature of the computer-executable program defined in the present claim 59 for at least the same reasons set forth above regarding claims 1, 11, and 36.

Accordingly, for at least the foregoing reasons, independent claims 1, 11, 16, 24, 28, 36, 58, and 59 are patentable under 35 U.S.C. § 102(e) over *Nakatsuka*. The dependent claims are likewise patentable under 35 U.S.C. § 102(e) over *Nakatsuka* for at least the same reasons set forth above regarding the applicable independent claim.

Applicants respectfully request reconsideration of the rejection of claims 20-23 under 35 U.S.C. § 102(e) as being anticipated by *Takemura* (U.S. Patent No. US 6,657,658 B2). As will be explained in more detail below, the *Takemura* reference does not disclose each and every feature specified in independent claim 20, as amended herein.

The *Takemura* reference discloses a technique for specifying a correction condition for taken image data during laboratory printing. This technique, however, is irrelevant to an imaging condition, and the user still needs to set an image processing condition. As such, the *Takemura* reference does not disclose each and every feature of the present claim 20 (the rationale behind the arguments set forth above in connection with the anticipation rejection of claim 1 also applies to claim 20).

Accordingly, independent claim 20 is patentable under 35 U.S.C. § 102(e) over *Takemura*. Claims 21-23, each of which depends from claim 20, are likewise patentable under 35 U.S.C. § 102(e) over *Nakatsuka* for at least the same reasons set forth above regarding claim 20.

Applicants respectfully request reconsideration of the rejection of claims 5, 15, 19, 27, 31, and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Nakatsuka* in view of *Takemura* (Applicants note that claims 15 and 27 have been canceled herein). Each of the pending claims in this obviousness rejection depends from one of independent claims 1, 16, 28, and 36. The deficiencies of the *Nakatsuka* reference relative to the above-listed independent claims are discussed above in connection with the anticipation rejection. The *Takemura* reference does not cure the above-discussed deficiencies of the *Nakatsuka* reference relative to the above-listed independent claims. Accordingly, claims 5, 19, 31, and 39 are patentable under 35 U.S.C. § 103(a) over the combination of *Nakatsuka* in view of *Takemura* for at least the reason that they depend from one of the above-listed independent claims.

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-5, 11-14, 16-26, 28-31, 36-39, 58, and 59, as amended herein, and submit that these claims, together with allowed claims 6-10 and 32-35, are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP001).

Respectfully submitted,  
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